

Defendants are named in their official capacities only. When individual governmental officials are sued only in their official capacities, the real party is their employer, here Lawrence County. Kentucky v. Graham, 473 U.S. 159,166 (1985); Pusey v. City of Youngstown, 11 F.3d


652,657 (6<sup>th</sup> Cir.1993), (“an official capacity suit is, in all respects other than name, to be treated as a suit against the entity.”)

A claim of governmental liability requires factual allegation suggestive of a policy, statement, regulation, decision or custom of Lawrence County or its agents, that violates Plaintiff’s constitutional rights. Monell v. New York City Department of Social Services, 436 U.S. 658 (1978). There must be a causal link between an official policy or custom and the alleged constitutional violation. City of Canton v. Harris, 489 U.S. 378 (1989).

Plaintiff alleges conduct or omissions involving only him. For his claims, Plaintiff fails to allege any facts that the acts and omissions suggestive of a policy or custom of Lawrence County. Consequently, the Plaintiff has failed to state a claim against the defendants acting in their official capacities.

In the absence of an actionable claim, the Court must dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

  
WILLIAM J. HAYNES, JR.  
Chief District Judge  
8-23-12



Thereafter, the custodian shall submit twenty percent (20%) of the Plaintiff's preceding monthly income (or income credited to the Plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).


In accordance with the Memorandum contemporaneously entered, the complaint fails to state a claim upon which relief can be granted. Consequently, this action is hereby **DISMISSED**. 28 U.S.C. § 1915(e)(2). An appeal of the judgment rendered herein would not be taken in good faith. Coppedge v. United States, 369 U.S. 438, 445-446 (1962). Therefore, the Plaintiff is **NOT** certified to pursue an appeal of this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3). Nevertheless, should the Plaintiff decide to file a notice of appeal, he must either pay the Clerk of Court the full appellate filing fee of four hundred fifty five dollars (\$455.00) or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust account statement for the previous six month period. 28 U.S.C. § 1915(a)(1); McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997).

The Clerk is directed to send a copy of this order to the Sheriff of Lawrence County to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the judgment in this action.

It is so **ORDERED**.

**ENTERED** this the 23<sup>rd</sup> day of August, 2012.

  
WILLIAM J. HAYNES, JR.  
Chief District Judge